

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER L. BIRD,)	3:10-CV-00649-ECR-VPC
)	
Plaintiff,)	<u>Order</u>
)	
vs.)	
)	
RECONTRUST COMPANY, N.A.; BAC HOME)	
SERVICING, LP, a subsidiary of)	
BANK OF AMERICA, N.A., f/k/a)	
COUNTRYWIDE HOME LOANS SERVICING)	
LP; MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEMS, INC.; JOHN)	
DOES 1 through 10; and DOE)	
CORPORATIONS 1 through 10,)	
)	
Defendants.)	

This case arises out of the foreclosure of Plaintiff's residence.

I. Plaintiff's Objections (##43, 46) to Magistrate Judge's Order
(#42)

Plaintiff has filed objections (##43, 46) to the Magistrate Judge's July 5, 2011 order (#42). Defendants submitted their opposition (#62) on October 21, 2011. The Court will treat Plaintiff's objections as a review and appeal pursuant to Local Rule IB 3-1 and 28 U.S.C. § 636(b)(1)(A). As such, a reviewing court may reconsider a Magistrate Judge's pretrial ruling "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A).

1 Plaintiff objects to the Magistrate Judge's ruling denying
2 Plaintiff's Second Motion to Amend Complaint (#37), allowing
3 Defendants to take Plaintiff's deposition, denying Plaintiff's oral
4 motion to take the deposition of the person most knowledgeable, and
5 finding that the time to file the joint pretrial order was past.

6 The Court finds that the Magistrate Judge's rulings on the
7 depositions and denying the Plaintiff's Second Motion to Amend (#37)
8 are consistent with the law. The issue with regard to time to file
9 a pretrial order has been rendered moot by reasons set forth below.
10 For these reasons, the Magistrate Judge's Order (#42) must be
11 affirmed.

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13 **II. Plaintiff's Motion for Reconsideration (#67)**

14 On December 15, 2011, Plaintiff submitted a Motion for
15 Reconsideration (#67) of the Court's December 14, 2011 Order (#66).
16 Our system tendered Defendants' proposed pretrial order (#69) to the
17 Court as having been approved by all parties. This was incorrect
18 and neither that Pretrial Order (#69) nor the supplemental Order
19 (#68) should have been entered. The Court agrees with Plaintiff
20 that the Court was mistaken in finding (#66) that the parties had
21 agreed on the Joint Pretrial Order (##68, 69). Upon further review
22 of the record, it appears that the parties could not agree and
23 instead submitted separate pretrial orders which disagree on a
24 number of important dates. Plaintiff's Motion for Reconsideration
25 (#67) must therefore be granted.

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1 IT IS, THEREFORE, HEREBY ORDERED that the Magistrate Judge's
2 July 5, 2011 ruling (#42) is AFFIRMED.

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4 IT IS FURTHER ORDERED THAT Plaintiff's Motion for
5 Reconsideration (#67) of Order (#66) is GRANTED. Orders (##66, 68,
6 69) are hereby VACATED.

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8 IT IS FURTHER ORDERD THAT the matter of settling the Pretrial
9 Order is REFERRED to the Magistrate Judge.

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12 DATED: January 12, 2012.

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14 
15 UNITED STATES DISTRICT JUDGE
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